

Members

Rep. Ron Herrell, Chair
Rep. Richard Mangus
Rep. Dale Sturtz
Rep. David Wolkins
Sen. Beverly Gard
Sen. Kent Adams
Sen. Glenn Howard
Sen. Vi Simpson
David Benshoof
Michael Carnahan
Randy Edgemon
Hon. Jack Fowler
Marvin Gobles
William Goffinet
Max Goodwin
Lori Kaplan
Regina Mahoney
Kerry Michael Manders
David Rector
Gary Reding
Alice Schloss
Lynn Waters
Arthur Smith, Jr.
The Honorable Jim Trobaugh
LSA Staff:

Bernadette Bartlett, Fiscal Analyst for the Council
Robert Bond, Attorney for the Council
Timothy Tyler, Attorney for the Council

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ENVIRONMENTAL QUALITY SERVICE COUNCIL

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MEETING MINUTES¹

Meeting Date: September 27, 2000
Meeting Time: 1:30 p.m.
Meeting Place: State House, 200 W. Washington St.,
House Chambers
Meeting City: Indianapolis, Indiana
Meeting Number: 3

Members Present: Rep. Ron Herrell, Chair; Rep. Richard Mangus; Rep. David Wolkins; Sen. Beverly Gard; Sen. Kent Adams; Sen. Vi Simpson; Sen. Glenn Howard; Randy Edgemon; William Goffinet; Lori Kaplan; Regina Mahoney; Kerry Michael Manders; Alice Schloss; The Honorable Jim Trobaugh.

Members Absent: Rep. Dale Sturtz; David Benshoof; Michael Carnahan; Hon. Jack Fowler; Marvin Gobles; Max Goodwin; David Rector; Gary Reding; Lynn Waters; Arthur Smith, Jr.

Call to Order. Rep. Ron Herrell, Chair of the Environmental Quality Service Council (EQSC), called the meeting to order. He asked Lori Kaplan, Commissioner of the Indiana Department of Environmental Management (IDEM), to address the Council.

Commissioner's Report. Commissioner Kaplan provided an overview of IDEM's work during the months of July and August. (See Exhibit 1.)

Report from the Septic Systems Subcommittee. Sen. Beverly Gard, Chair of the Septic Systems Subcommittee, summarized the work of the subcommittee. The subcommittee has met twice and plans to

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meet for the third time on September 28. The testimony has been lengthy and informative. In particular, the subcommittee has heard extensive testimony from the Department of Health. IDEM has also participated. As a result of the presentations from the two state agencies, many questions have been raised. The subcommittee would like to hear testimony from the IURC regarding their role in small package sewer systems. The State Budget Agency has discussed funding issues. Representatives from county health departments have also participated. At the next meeting the Department of Health plans to review their proposed rule dealing with failing septic systems. A representative from Allen County will also discuss some of the successes that Allen County has had. A conservancy district will also present a study on the issue of septic systems. At the subsequent meeting, they will continue with testimony and then will begin formulating recommendations. The scope of the problem is very big. There is not a consensus on the percentage of failing systems—it ranges from 25% to 70%. There is not a lot of definitive data. She encourages anyone who wishes to make a presentation on the issue to contact her.

Members of the Septic Systems Subcommittee. Rep. Herrell read the names of EQSC members of the Septic Systems Subcommittee. (See Exhibit 2.)

Report from the Wetlands Subcommittee. Sen. Vi Simpson, Chair of the Wetlands Subcommittee, noted that the subcommittee is an outgrowth of the rule promulgation process that IDEM entered into having to do with wetlands and wetlands protection. Sen. Simpson indicated that the subcommittee hopes to make recommendations that IDEM can consider during their rule-making process. The rule consists of two parts: water quality standards specific to wetlands and the procedures involved in a 401 permit application review. Because the rule itself is broad, the subcommittee has decided to focus on a few topics. The second meeting was devoted to water quality standards. The third meeting will focus on mitigation. The fourth meeting will consider the costs not only of having the regulation but also of not having the regulation. At the final meeting, the subcommittee hopes to develop recommendations, if appropriate, for each of the three areas studied. About 35 individuals have volunteered to provide input into the discussions. The subcommittee has also received testimony from IDEM, the Department of Natural Resources, and the Army Corps of Engineers. The U.S. Fish and Wildlife Service will also provide written testimony. Sen. Simpson invited anyone who would like to participate to join the subcommittee meeting.

Members of the Wetlands Subcommittee. Rep. Herrell read the names of EQSC members of the Wetlands Subcommittee. (See Exhibit 3.)

Water Data Task Force. Bob Bond, Attorney for the Council, reviewed the task as assigned in statute to the Water Data Task Force. Public Law 140–2000 identifies the work of the task force to assess the program resource needs of IDEM to collect adequate physical, chemical, and biological data used by IDEM. The Task Force must present its findings to the EQSC.

Members of the Water Data Task Force. Rep. Herrell noted that he had received recommendations for members of the Task Force from numerous sources. He received more recommendations than the number of positions identified by law. He tried to make the best decisions based upon the recommendations. He read the names of EQSC members of the Wetlands Subcommittee. (See Exhibit 4.) The Council approved the members by consent.

Lead Abatement Program. Frank Profit, Section Chief, Asbestos/Lead Section, IDEM, provided the following comments. The U.S.EPA promulgated a lead-based paint regulation in 1996 in response to instances of children being poisoned by lead. Approximately two million children were poisoned by lead. IDEM received federal authorization from U.S.EPA to implement the state program. Training course providers who teach lead-based training courses must submit an application to IDEM. IDEM has one staff member who audits training course providers through a desk audit or through on-site visits. Applicants must notify IDEM in writing two weeks prior to the beginning of a class. In April IDEM closed one training course provider for criminal activities.

In addition to approving or disapproving training course providers, IDEM approves individual licenses for seven different disciplines, such as an inspector, a risk assessor, a designer. The license is valid for one year. The must take refresher training annually. IDEM has four inspectors who are lead-based trained who can inspect and determine compliance. IDEM tries to make sure that no debris is left after the job is completed.

Housing built prior to 1978 is targeted as well as a child occupied facility built prior to 1978 that is visited by a child six years or younger for at least six hours per week. Lead-based paint was banned from residential use in 1978. The regulation applies only when an individual is performing an abatement. An abatement is a project designed to permanently remove the lead-based paint hazard. It does not apply to a renovation, remodeling, or repair. Homeowners may remove the paint without being licensed if there is not a child six years or younger living in the house with an elevated blood lead level. Lead-based paint abatement is not mandatory. A good coat of paint or wallpaper can adequately protect residents from the paint. Eliminating dust and paint chips can also protect children. Dust and chips can be inhaled or ingested. Also, a lot of lead was deposited in the soil from lead-based gasoline which was banned in the late 1980s or early 1990s.

Sen. Gard suggested that IDEM place brochures in paint stores to inform and warn people of the hazards and regulations regarding lead paint. Kerry Manders agreed with the need to distribute information to paint and hardware stores and suggested that IDEM also distribute information to school corporations.

Lead Assessment Program. Paula Smith, IDEM, explained the lead assessment program which is a statewide program wherein IDEM upon request, will visit houses to determine if lead-based paint is a problem and to provide residents with information that will lessen the exposure to lead.

Clean Water Indiana. Christa Jones, Indiana Association of Soil and Water Conservation Districts (IASWCD), presented a video which discussed soil erosion, water quality issues and some of the conservation practices SWCDs promote. The Clean Water Indiana Fund was created by the Indiana General Assembly in 1999. However, no dollars were placed in the fund. The Clean Water Indiana coalition, led by the IASWCD will request \$12 million for the Clean Water Indiana fund in the 2001-02 state budget.

According to Ms. Jones, Clean Water Indiana is a long-term solution for non-point source pollution of waters. It proposes to strengthen the conservation delivery system of Indiana's 92 soil and water conservation districts. Indiana SWCDs have a 60-year reputation for providing effective technical and financial assistance to private landowners. Indiana consists of 92 soil and water conservation districts. SWCD services are strictly voluntary, and focus on private lands. Ninety-seven percent of land in Indiana is privately owned. If concerned parties want to make an impact on non-point source pollution, they must focus on private land. SWCDs traditionally provide services to agricultural producers, teachers and other educators, and developers. With increased land use pressures, such as unprecedented growth in rural areas, SWCDs are looked upon to expand their services, while budgets remain the same. Demand for SWCD services will increase with the lessening of the Rule 5 threshold to 1 acre, imminent confined feeding regulations, and continued growth. SWCDs are poised to provide additional services, but require increased financial resources.

Clean Water Indiana components provide:

1. State match for local dollars invested in soil and water conservation districts.
2. Additional cost-share dollars to financially assist landowners in implementing conservation practices.
3. Technical assistance staffing (which has been eliminated from the current request because of the concern that state dollars would be used for staff).

According to Ms. Jones, Indiana lags behind all Midwestern states in state funding for soil and water conservation districts. She distributed a hand-out that outlined state funding to districts in Indiana as well as a comparison of funding in other states. (See Exhibit 2.)

The video emphasized that sediment is Indiana's biggest source of water pollution. Sediment is usually the result of soil erosion. Sheet and gully erosion are the most common types of erosion. Sheet erosion occurs when thin and uniform layers of soil are removed from the land surface by water run-off. Over a period of only a few years, the entire top soil layer can be eroded. When this erosion occurs, it is difficult to grow plants and the ability to produce food is lost. Gully erosion occurs on sloping land. The T-by-2000 program has significantly reduced erosion. Clean Water Indiana is a new initiative that is based on the T-by-2000 program. The goal of the program is to protect Indiana lakes and rivers. The program will be administered by the DNR Division of Soil Conservation.

Sediment comes from both farm land and urban areas. Soil conservation practices on farm land include filter strips, which are strips of grass along drainage ditches, streams, and lakes protect them from sediment. As run-off from farm fields run across these strips of grass, materials are trapped before entering the stream. Gully erosion is prevented by constructing grass water ways, which are shallow water bodies planted with erosion resistant grass. Water sediment control basins, which are a series of small dams built across the slope that temporarily store water run-off, also reduce erosion.

One of the most effective means of reducing erosion is conservation tillage which is any system used to prepare farm land for growing crops that reduces the number of tillage operations and thereby leave less bare soil directly exposed to rain fall.

With respect to urban erosion, silt fences are often used in urban construction areas to trap sediment or detention or retention ponds are constructed to hold the water.

Next Meeting Dates. Rep. Herrell scheduled the next meeting dates for October 25, November 13, and November 22. He invited anyone who would like to present a topic to the Council to let him know in writing.

Adjournment. The meeting was adjourned at approximately 3:20 p.m.